

2003 DRAFTING REQUEST**Bill**Received: **08/25/2003**Received By: **chanaman**Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**By/Representing: **Tim**This file may be shown to any legislator: **NO**Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - marriage**Extra Copies: **PJK**Submit via email: **YES**Requester's email: **Rep.Pocan@legis.state.wi.us**Carbon copy (CC:) to: **cathlene.hanaman@legis.state.wi.us****Pre Topic:**

No specific pre topic given

Topic:

Permitting same-sex marriages

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 09/04/2003	csicilia 09/05/2003					
/P1	chanaman 02/09/2004		pgreensl 09/08/2003		lemery 09/08/2003		S&L Tax
/1	pkahler	csicilia	pgreensl		sbasford		S&L

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	02/09/2004	02/09/2004	02/09/2004	_____	02/09/2004		Tax
/2	pkahler 02/10/2004	csicilia 02/11/2004	chaugen 02/11/2004	_____	lemery 02/11/2004	lemery 02/12/2004	

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A4
Intro.

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Ch 2-10
 Def 2-10

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/P1			pgreensl 09/08/2003	<u>2</u> <u>1</u>	lemery 09/08/2003		

1 9s 2/9
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2/11
18/11

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/?	chanaman	plj 9/7/03	9/16/03 PS	9/18/03 PS/12			

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1 due sept 12

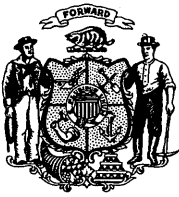
~~with 22nd ??~~

~~the 8, 9, 10~~

in artificial insemination (891.40)
(+ follow this model if possible!)

spouse - parent

therefore, if a (female) spouse is artificially
inseminated w/ consent of her
spouse, the consent-giving
spouse is the natural parent of
the child produced



Monday ~~AM~~
State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-3161
CMH&PJK:.....

PI

D NOTE

g's

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
x-ref ✓
new CRs ✓
word searches ✓

inserts

1 AN ACT ^{gen cat} relating to: allowing same-sex marriages.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 11.05 (10) of the statutes is amended to read:
3 11.05 (10) CERTAIN ACTIVITY BY SPOUSES EXEMPT. For purposes of compliance
4 with the registration requirements of this section a ~~husband and wife~~ spouses acting
5 jointly for political purposes shall be considered an "individual" rather than a
6 "committee".

History: 1973 c. 334; 1975 c. 93, 199, 200; 1977 c. 427; 1979 c. 328; 1979 c. 355 s. 241; 1981 c. 314 s. 146; 1983 a. 484; 1985 a. 303 ss. 7 to 15r, 86; 1987 a. 370, 391, 403; 1989 a. 192; 2001 a. 109.

7 SECTION 2. 29.219 (4) of the statutes is amended to read:
8 29.219 (4) ~~HUSBAND AND WIFE~~ SPOUSES RESIDENT LICENSES. A combined ~~husband~~
9 and ~~wife~~ spouses resident fishing license shall be issued subject to s. 29.024 by the

department to residents applying for this license. This license confers upon both husband and wife spouses the privileges of resident fishing licenses.

History: 1971 c. 22, 282; 1973 c. 90 s. 538; 1975 c. 39; 1975 c. 189 s. 99 (2); 1975 c. 216, 421; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 130; 1983 a. 27 ss. 749 to 761; 1985 a. 326; 1987 a. 27; 1991 a. 39, 269; 1993 a. 16, 153, 217; 1995 a. 27; 1997 a. 1, 27, 191; 1997 a. 248 ss. 318 to 332; Stats. 1997 s. 29.219; 1999 a. 63.

SECTION 3. 29.228 (5) of the statutes is amended to read:

29.228 (5) ANNUAL FAMILY FISHING LICENSE. The department shall issue a nonresident annual family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife spouses and any minor children to fish under this license.

History: 1971 c. 22, 42, 125; 1973 c. 90 s. 538; 1975 c. 145; 1979 c. 34; 1983 a. 27; 1985 a. 326; 1987 a. 27; 1991 a. 39; 1993 a. 217; 1997 a. 27; 1997 a. 248 ss. 310 to 317; Stats. 1997 s. 29.228.

SECTION 4. 29.228 (6) of the statutes is amended to read:

29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the husband, wife spouses and any minor children to fish under this license.

History: 1971 c. 22, 42, 125; 1973 c. 90 s. 538; 1975 c. 145; 1979 c. 34; 1983 a. 27; 1985 a. 326; 1987 a. 27; 1991 a. 39; 1993 a. 217; 1997 a. 27; 1997 a. 248 ss. 310 to 317; Stats. 1997 s. 29.228.

SECTION 5. 29.229 (2) (i) of the statutes is amended to read:

29.229 (2) (i) Husband and wife Spouses fishing licenses.

History: 1997 a. 27, 191, 237; 1997 a. 248 s. 308; Stats. 1997 s. 29.229; 1999 a. 9, 32, 185; 2001 a. 107.

SECTION 6. 29.2295 (2) (i) of the statutes is amended to read:

29.2295 (2) (i) Husband and wife Spouses fishing licenses.

SECTION 7. 29.563 (3) (a) 3. of the statutes is amended to read:

29.563 (3) (a) 3. Husband and wife Spouses: \$23.25.

SECTION 8. 29.607 (3) of the statutes is amended to read:

29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the

1 members of the immediate family of a licensee or of a recipient of old-age assistance
2 or members of their immediate families. The department, subject to s. 29.024 (2g)
3 and (2r), shall issue a wild rice identification card to each member of a licensee's
4 immediate family, to a recipient of old-age assistance, and to each member of the
5 recipient's family. The term "immediate family" includes ~~husband and wife~~ spouses
6 and minor children ~~having~~ who have their abode and domicile with the parent or
7 legal guardian.

8 **SECTION 9.** 40.02 (8) (a) 2. of the statutes is amended to read:

9 40.02 (8) (a) 2. In the absence of a written designation of beneficiary, or if all
10 beneficiaries so designated die before filing with the department an application for
11 any death benefit payable, the person determined in the following sequence: group
12 1, ~~widow or widower~~ surviving spouse; group 2, children if at least one child survives
13 the participant, employee, or annuitant, in which event the share of any deceased
14 child shall be payable to the surviving spouse of the child or to the surviving children
15 of the child if there is no spouse, or otherwise to the other eligible children in this
16 group; group 3, grandchild; group 4, parent; group 5, brother and sister. No payment
17 may be made to a person included in any group if there is a living person in any
18 preceding group.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6;
1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356,
363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 61; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a.
32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3,
27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 68; 2001 a. 16, 38, 103, 104, 109.

19 **SECTION 10.** 45.348 (2) (a) 1. of the statutes is amended to read:

20 45.348 (2) (a) 1. A spouse, an unremarried ~~widow or widower~~ surviving spouse,
21 or a divorced spouse, but only if the divorced spouse is receiving benefits under a
22 court order.

History: 2001 a. 103 ss. 91, 103, 104; 2001 a. 104.

23 **SECTION 11.** 45.37 (4) (c) 5. of the statutes is amended to read:

SECTION 11

1 45.37 (4) (c) 5. The department may deviate from this sequence upon order of
2 the board in order to prevent the separation of a family unit of ~~husband and wife~~
3 spouses.

History: 1971 c. 40, 42, 198; 1973 c. 90, 147; 1973 c. 333 ss. 84, 85, 86, 201m; 1975 c. 39, 94, 199, 224; 1977 c. 29; 1977 c. 105 s. 59; 1977 c. 237, 309; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 20 ss. 733m, 2202 (55) (a); 1981 c. 390; 1983 a. 27, 368, 430; 1985 a. 29, 135; 1985 a. 332 s. 251 (1); 1987 a. 27, 399; 1989 a. 31, 56; 1991 a. 2, 39, 102, 189; 1993 a. 16, 254; 1995 a. 123, 255; 1997 a. 27; 1999 a. 9, 63, 83, 185, 186; 2001 a. 16, 102, 103.

4 **SECTION 12.** 45.37 (6) (a) of the statutes is amended to read:

5 45.37 (6) (a) Was married to and living with the deceased veteran not less than
6 6 months immediately prior to the death of the veteran, or was married to the veteran
7 at the time the veteran entered the service and ~~was widowed~~ became a surviving
8 spouse by the death of the veteran in the service or as a result of physical disability
9 incurred during such service, or the period during which the surviving spouse was
10 married to and lived with the deceased veteran plus the period ~~of widowhood~~ during
11 which a person remains a surviving spouse is 6 months or more, or if the surviving
12 spouse was married to and living with the veteran less than 6 months and a child was
13 born of the marriage; and

History: 1971 c. 40, 42, 198; 1973 c. 90, 147; 1973 c. 333 ss. 84, 85, 86, 201m; 1975 c. 39, 94, 199, 224; 1977 c. 29; 1977 c. 105 s. 59; 1977 c. 237, 309; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34; 1979 c. 110 s. 60 (13); 1979 c. 221; 1981 c. 20 ss. 733m, 2202 (55) (a); 1981 c. 390; 1983 a. 27, 368, 430; 1985 a. 29, 135; 1985 a. 332 s. 251 (1); 1987 a. 27, 399; 1989 a. 31, 56; 1991 a. 2, 39, 102, 189; 1993 a. 16, 254; 1995 a. 123, 255; 1997 a. 27; 1999 a. 9, 63, 83, 185, 186; 2001 a. 16, 102, 103.

14 **SECTION 13.** 46.10 (2) of the statutes is amended to read:

15 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
16 including but not limited to a person admitted, committed or placed under s. 975.01,
17 1977 stats., s. 975.02, 1977 stats., and s. 975.17, 1977 stats., and ss. 51.10, 51.13,
18 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.06, 971.14
19 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services and
20 supplies provided by any institution in this state including University of Wisconsin
21 Hospitals and Clinics, in which the state is chargeable with all or part of the person's
22 care, maintenance, services and supplies, any person receiving care and services

1 from a county department established under s. 51.42 or 51.437 or from a facility
2 established under s. 49.73, and any person receiving treatment and services from a
3 public or private agency under s. 980.06 (2) (c), 1997 stats., or s. 971.17 (3) (d) or (4)
4 (e) or 980.08 (5) and the person's property and estate, including the homestead, and
5 the spouse of the person, and the spouse's property and estate, including the
6 homestead, and, in the case of a minor child, the parents of the person, and their
7 property and estates, including their homestead, and, in the case of a foreign child
8 described in s. 48.839 (1) who became dependent on public funds for his or her
9 primary support before an order granting his or her adoption, the resident of this
10 state appointed guardian of the child by a foreign court who brought the child into
11 this state for the purpose of adoption, and his or her property and estate, including
12 his or her homestead, shall be liable for the cost of the care, maintenance, services
13 and supplies in accordance with the fee schedule established by the department
14 under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an
15 incapacitated person may be lawfully dependent upon the property for their support,
16 the court shall release all or such part of the property and estate from the charges
17 that may be necessary to provide for those persons. The department shall make
18 every reasonable effort to notify the liable persons as soon as possible after the
19 beginning of the maintenance, but the notice or the receipt thereof is not a condition
20 of liability.

21 **SECTION 14.** 48.02 (13) of the statutes is amended to read:

22 48.02 (13) "Parent" means either a biological parent, a ~~husband~~ spouse who has
23 consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or
24 a parent by adoption. If the child is a nonmarital child who is not adopted or whose
25 parents do not subsequently intermarry under s. 767.60, "parent" includes a person

acknowledged under s. 767.62 (1) or a substantially similar law of another state or adjudicated to be the biological father. "Parent" does not include any person whose parental rights have been terminated.

History: 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9; 2001 a. 16, 59, 69.

SECTION 15. 48.432 (1) (am) 2. b. of the statutes is amended to read:

48.432 (1) (am) 2. b. If there is no adjudicated father, the husband spouse of the mother at the time the individual or adoptee is conceived or born, or when the parents intermarry under s. 767.60.

History: 1981 c. 359; 1983 a. 447, 471; 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 31; 1995 a. 27.

SECTION 16. 48.82 (1) (a) of the statutes is amended to read:

48.82 (1) (a) ~~A husband and wife~~ Spouses jointly, or either the husband or wife if the other spouse is of a parent of the minor.

SECTION 17. 49.19 (4) (d) (intro.) of the statutes is amended to read:

SECTION 18. 49.141 (1) (j) 2. of the statutes is amended to read:

49.141 (1) (j) 2. A person who has consented to the artificial insemination of his wife or her spouse under s. 891.40.

History: 1995 a. 289; 1997 a. 27, 41, 283; 1999 a. 9; 2001 a. 105, 109.

49.19 (4) (d) (intro.) Aid may be granted to ~~the mother or stepmother~~ a parent or stepparent of a dependent child if ~~she~~ the parent or stepparent is without a husband spouse or if ~~she~~ the parent or stepparent:

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59.

SECTION 19. 49.19 (4) (d) 1. of the statutes is amended to read:

49.19 (4) (d) 1. Is the wife spouse of a husband an individual who is incapacitated for gainful work by mental or physical disability; or

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59.

SECTION 20. 49.19 (4) (d) 2. of the statutes is amended to read:

1 49.19 (4) (d) 2. Is the ~~wife~~ spouse of a ~~husband~~ an individual who is incarcerated
2 or who is a convicted offender permitted to live at home but precluded from earning
3 a wage because the ~~husband~~ individual is required by a court imposed sentence to
4 perform unpaid public work or unpaid community service; or

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59.

5 **SECTION 21.** 49.19 (4) (d) 3. of the statutes is amended to read:

6 49.19 (4) (d) 3. Is the ~~wife~~ spouse of a ~~husband~~ an individual who has been
7 committed to the department pursuant to ch. 975, irrespective of the probable period
8 of such commitment; or

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59.

9 **SECTION 22.** 49.19 (4) (d) 4. of the statutes is amended to read:

10 49.19 (4) (d) 4. Is the ~~wife~~ spouse of a ~~husband~~ an individual who has
11 continuously abandoned or failed to support him or her, if proceedings have been
12 commenced against the ~~husband~~ individual under ch. 769; or

History: 1971 c. 125, 215, 217; 1973 c. 90, 147, 186, 328, 333; 1975 c. 39, 82, 94, 224, 307, 422; 1977 c. 29, 203, 271, 418, 449; 1979 c. 32 s. 92 (4); 1979 c. 34, 206, 221, 352; 1981 c. 1, 20, 93, 314, 317, 391; 1983 a. 27, 161, 192, 245, 310, 430, 447; 1985 a. 29, 120, 176, 281, 332; 1987 a. 27, 307, 399; 1989 a. 31, 107, 122, 359; 1991 a. 39, 178, 269, 313, 315, 316, 322; 1993 a. 16, 99, 326, 395, 437, 446, 481; 1995 a. 12; 1995 a. 27 ss. 2852 to 2871, 9126 (19); 1995 a. 77, 198, 225, 289, 295; 1997 a. 27, 35, 39, 252; 1999 a. 9; 2001 a. 59.

13 **SECTION 23.** 49.19 (4) (d) 5. of the statutes is amended to read:

14 49.19 (4) (d) 5. Has been divorced and is without a ~~husband~~ spouse or legally
15 separated from his or her ~~husband~~ spouse and is unable through use of the provisions
16 of law to compel his or her former ~~husband~~ spouse to adequately support the child
17 for whom aid is sought; or

18 **SECTION 24.** 49.43 (12) of the statutes is amended to read:

19 49.43 (12) "Spouse" means the ~~legal husband or wife of the beneficiary~~
20 individual to whom the beneficiary is legally married, whether or not eligible for
21 medical assistance.

INS
7-18

✓
1 **SECTION 25.** 49.90 (4) of the statutes is amended to read:

2 49.90 (4) The circuit court shall in a summary way hear the allegations and
3 proofs of the parties and by order require maintenance from these relatives, if they
4 have sufficient ability, considering their own future maintenance and making
5 reasonable allowance for the protection of the property and investments from which
6 they derive their living and their care and protection in old age, in the following
7 order: First the ~~husband or wife~~ spouse; then the father and the mother; and then
8 the grandparents in the instances in which sub. (1) (a) 2. applies. The order shall
9 specify a sum which will be sufficient for the support of the dependent person under
10 sub. (1) (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a)
11 2., to be paid weekly or monthly, during a period fixed by the order or until the further
12 order of the court. If the court is satisfied that any such relative is unable wholly to
13 maintain the dependent person or the child, but is able to contribute to the person's
14 support or the child's maintenance, the court may direct 2 or more of the relatives
15 to maintain the person or the child and prescribe the proportion each shall
16 contribute. If the court is satisfied that these relatives are unable together wholly
17 to maintain the dependent person or the child, but are able to contribute to the
18 person's support or the child's maintenance, the court shall direct a sum to be paid
19 weekly or monthly by each relative in proportion to ability. Contributions directed
20 by court order, if for less than full support, shall be paid to the department of health
21 and family services and distributed as required by state and federal law. An order
22 under this subsection that relates to maintenance required under sub. (1) (a) 2. shall
23 specifically assign responsibility for and direct the manner of payment of the child's
24 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon
25 application of any party affected by the order and upon like notice and procedure, the

as affected by 2003 Wisconsin Act 52, ✓

1 court may modify such an order. Obedience to such an order may be enforced by
 2 proceedings for contempt.

History: 1973 c. 90 ss. 296e, 560 (2); 1973 c. 147, 336; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1975 c. 82, 199; 1977 c. 271, 449; 1979 c. 221, 352; 1981 c. 317; 1983 a. 186; 1985 a. 29 ss. 1055m, 1108 to 1114, 2200 (23); 1985 a. 56, 176, 311, 332; Stats. 1985 s. 49.90; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 316; 1995 a. 27 ss. 3216 to 3219b, 9126 (19); 1995 a. 77, 224, 404; 1997 a. 3, 27.

3 **SECTION 26.** 69.11 (4) (b) of the statutes is amended to read:

4 69.11 (4) (b) The state registrar may amend an item on a birth certificate that
 5 affects information about the name, sex, date of birth, place of birth, parent's name,
 6 or marital status of the mother if 365 days have elapsed since the occurrence of the
 7 event that is the subject of the birth certificate, if the amendment is at the request
 8 of a person with a direct and tangible interest in the record and is on a request form
 9 supplied by the state registrar, and if the amendment is accompanied by 2 items of
 10 documentary evidence from early childhood that are sufficient to prove that the item
 11 to be changed is in error and by the affidavit of the person requesting the
 12 amendment. A change in the marital status on the birth certificate may be made
 13 under this paragraph only if the marital status is inconsistent with information
 14 concerning ~~the father or husband~~ ^a parent or spouse that appears on the birth
 15 certificate. This paragraph may not be used to add to or delete from a birth certificate
 16 the name of a parent ^{or} to change the identity of a parent named on the birth
 17 certificate. ^{plain comma →}

History: 1985 a. 315; 2001 a. 16.

18 **SECTION 27.** 69.12 (5) of the statutes is amended to read:

19 69.12 (5) A change in the marital status on the certificate of birth may be
 20 requested under this section only if the marital status is inconsistent with ~~father or~~
 21 ~~husband~~ parent or spouse information appearing on the certificate of birth. This
 22 section may not be used to add or delete the name of a parent on the certificate of birth
 23 or change the identity of either parent named on the certificate of birth.

History: 1985 a. 315; 1993 a. 346; 1995 a. 225; 2001 a. 16.

*to effect a name change prohibited under
 s. 301.47*

plain

✓
1 SECTION 28. 69.13 (2) (b) 4. of the statutes is amended to read:

2 69.13 (2) (b) 4. If relevant to the correction sought, a certified copy of a marriage
3 document, a certified copy of a certificate of divorce or annulment or a final divorce
4 decree that indicates that the mother was not married to the person listed as her
5 husband spouse at any time during the pregnancy, a legal name change order, or any
6 other legal document that clarifies the disputed information.

History: 2001 a. 16. ✓

7 SECTION 29. 69.14 (1) (e) of the statutes is amended to read:

8 69.14 (1) (e) *Father's name.* 1. If the mother of a registrant under this section
9 was married to a man at any time from the conception to the birth of the registrant,
10 the name of the husband spouse of the mother shall be entered on the birth certificate
11 as the legal father of the registrant. The name of the father entered under this
12 subdivision may not be changed except by a proceeding under ch. 767.

13 2. If the mother was not married to a man at any time from the conception to
14 the birth of a registrant under this section, no name of any alleged father of the
15 registrant may be entered as the father on the birth certificate except as provided
16 under s. 69.15 (3). If under this subdivision the name of the father of the registrant
17 of a birth certificate is omitted from the certificate, no other information about the
18 father may be entered on the certificate.

History: 1985 a. 315; 1987 a. 413; 1993 a. 27; 1997 a. 27, 191; 2001 a. 16. ✓

19 SECTION 30. 69.14 (1) (g) of the statutes is amended to read:

20 69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth
21 certificate under this section is born as a result of artificial insemination under the
22 requirements of s. 891.40, the husband spouse of the woman shall be considered the
23 father ^a parent of the registrant on the birth certificate. If the registrant is born as a
24 result of artificial insemination which does not satisfy the requirements of s. 891.40,

Woman
mother

1 the any information about ~~the father~~^a parent, other than the biological mother, of the
2 registrant shall be omitted from the registrant's birth certificate.

3 **SECTION 31.** 69.15 (3) (b) 1. and 2. of the statutes are amended to read:

4 69.15 (3) (b) 1. Except as provided under par. (c), if the state registrar receives
5 a statement acknowledging paternity on a form prescribed by the state registrar and
6 signed by both of the birth parents of a child determined to be a marital child under
7 s. 767.60, a certified copy of the parents' marriage certificate and the fee required
8 under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the husband male
9 spouse from the marriage certificate as the father if the name of the father was
10 omitted on the original birth certificate. The state registrar shall include on the form
11 for the acknowledgment a notice of the information in s. 767.458 (1) (a) to (e). ✓

12 **History:** 1985 a. 315; 1987 a. 413; 1989 a. 183; 1993 a. 481; 1995 a. 201, 404; 1997 a. 3, 27, 191; 2001 a. 16, 61.

13 2. Except as provided under par. (c), if the parent of a child determined to be
14 a marital child under s. 767.60 dies after his or her marriage and before the
15 statement acknowledging paternity has been signed, the state registrar shall insert
16 the name of the father under subd. 1. upon receipt of a court order determining that
the husband male spouse was the father of the child. ✓

17 **History:** 1985 a. 315; 1987 a. 413; 1989 a. 183; 1993 a. 481; 1995 a. 201, 404; 1997 a. 3, 27, 191; 2001 a. 16, 61.

18 **SECTION 32.** 71.03 (2) (d) (title) of the statutes is amended to read:

19 71.03 (2) (d) (title) ~~Husband and wife~~ Married persons joint filing.

20 **History:** 1987 a. 312, 411; 1989 a. 31; 1991 a. 3, 39, 269, 301, 305, 315; 1993 a. 16, 112, 204, 213, 491; 1995 a. 255, 428; 1999 a. 9; 2001 a. 23, 102.

21 **SECTION 33.** 71.03 (2) (d) 1. of the statutes is amended to read:

22 71.03 (2) (d) 1. Except as provided in subds. 2. and 3. and par. (e), ~~a husband~~
~~and a wife~~ married persons may file a joint return for income tax purposes even
though one of the spouses has no gross income or no deductions.

23 **History:** 1987 a. 312, 411; 1989 a. 31; 1991 a. 3, 39, 269, 301, 305, 315; 1993 a. 16, 112, 204, 213, 491; 1995 a. 255, 428; 1999 a. 9; 2001 a. 23, 102.

SECTION 34. 71.03 (2) (d) 2. of the statutes is amended to read:

1 71.03 (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse
2 at any time during the taxable year is a nonresident alien, unless an election is in
3 effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~
4 Internal Revenue Code.

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 3, 39, 269, 301, 305, 315; 1993 a. 16, 112, 204, 213, 491; 1995 a. 255, 428; 1999 a. 9; 2001 a. 23, 102.

5 **SECTION 35.** 71.03 (2) (d) 3. of the statutes is amended to read:

6 71.03 (2) (d) 3. No joint return may be filed if the ~~husband and wife~~ spouses
7 have different taxable years, except that if their taxable years begin on the same day
8 and end on different days because of the death of either or both the joint return may
9 be filed with respect to the taxable year of each unless the surviving spouse remarries
10 before the close of his or her taxable year or unless the taxable year of either spouse
11 is a fractional part of a year under section 443 (a) (1) of the ~~internal revenue code~~
12 Internal Revenue Code.

13 **SECTION 36.** 71.03 (2) (g) of the statutes is amended to read:

14 71.03 (2) (g) *Joint return following separate return.* Except as provided in par.
15 (i), if an individual has filed a separate return for a taxable year for which a joint
16 return could have been filed by the individual and the individual's spouse under par.
17 (d) or (e) and the time prescribed by law for timely filing the return for that taxable
18 year has expired, the individual and the individual's spouse may file a joint return
19 for that taxable year. A joint return filed by ~~the husband and wife~~ spouses under this
20 paragraph is their return for that taxable year, and all payments, credits, refunds
21 or other repayments made or allowed with respect to the separate return of each
22 spouse for that taxable year shall be taken into account in determining the extent
23 to which the tax based upon the joint return has been paid. If a joint return is filed
24 under this paragraph, any election, other than the election to file a separate return,

1 made by either spouse in that spouse's separate return for that taxable year with
2 respect to the treatment of any income, deduction or credit of that spouse may not
3 be changed in the filing of the joint return if that election would have been irrevocable
4 if the joint return had not been filed.

5 **SECTION 37.** 71.03 (2) (m) 2. of the statutes is amended to read:

6 71.03 (2) (m) 2. If a ~~husband and wife~~ married person and his or her spouse
7 change from a joint return to separate returns within the time prescribed in subd.
8 1., the tax paid on the joint return shall be allocated between them in proportion to
9 the tax liability shown on each separate return.

10 History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 3, 29, 269, 301, 305, 315; 1993 a. 16, 112, 204, 213, 491; 1995 a. 255, 428; 1999 a. 9; 2001 a. 23, 102.

SECTION 38. 71.03 (4) (a) of the statutes is amended to read:

11 71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and
12 consists entirely of wages subject to withholding for Wisconsin tax purposes and not
13 more than \$200 total of dividends, interest and other wages not subject to Wisconsin
14 withholding, and who have elected the Wisconsin standard deduction and have not
15 claimed either the credit for homestead property tax relief or the deductions for
16 expenses incurred in earning such income, shall, at their election, not be required to
17 record on their income tax returns the amount of the tax imposed on their Wisconsin
18 taxable income. Married persons shall be permitted this election only if the joint
19 income of the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their
20 incomes on the same joint income tax return form, and if both make this election.

21 History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 3, 29, 269, 301, 305, 315; 1993 a. 16, 112, 204, 213, 491; 1995 a. 255, 428; 1999 a. 9; 2001 a. 23, 102.

SECTION 39. 71.03 (4) (a) of the statutes is amended to read:

22 71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and
23 consists entirely of wages subject to withholding for Wisconsin tax purposes and not
24 more than \$200 total of dividends, interest and other wages not subject to Wisconsin

1 withholding, and who have elected the Wisconsin standard deduction and have not
2 claimed either the credit for homestead property tax relief or the deductions for
3 expenses incurred in earning such income, shall, at their election, not be required to
4 record on their income tax returns the amount of the tax imposed on their Wisconsin
5 taxable income. Married persons shall be permitted this election only if the joint
6 income of the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their
7 incomes on the same joint income tax return form, and if both make this election.

History: 1987 a. 312, 411; 1989 a. 31; 1991 a. 3, 39, 269, 301, 305, 315; 1993 a. 16, 112, 204, 213, 491; 1995 a. 255, 428; 1999 a. 9; 2001 a. 23, 102.

8 **SECTION 40.** 71.05 (22) (a) (title) of the statutes is amended to read:

9 71.05 (22) (a) (title) *Election of deductions; ~~husband and wife~~ married persons'*
10 *deductions.*

History: 1987 a. 312; 1987 a. 411 ss. 42, 43, 45, 47, 49, 51 to 53; 1989 a. 31, 46; 1991 a. 2, 37, 39, 269; 1993 a. 16, 112, 204, 263, 437; 1995 a. 27, 56, 209, 227, 261, 371, 403, 453; 1997 a. 27, 35, 39, 237; 1999 a. 9, 32, 44, 54, 65, 167; 2001 a. 16, 104, 105, 109.

11 **SECTION 41.** 71.07 (5m) (a) 3. of the statutes is amended to read:

12 71.07 (5m) (a) 3. "Household" means a claimant and ~~an individual related to~~
13 ~~the claimant as husband or wife~~ his or her spouse. *the claimant's*

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

14 **SECTION 42.** 71.07 (9e) (b) of the statutes is amended to read:

15 71.07 (9e) (b) No credit may be allowed under this subsection to married
16 persons, except married persons living apart who are treated as single under section
17 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~
18 spouses report their income on separate income tax returns for the taxable year.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

19 **SECTION 43.** 71.07 (9e) (b) of the statutes is amended to read:

20 71.07 (9e) (b) No credit may be allowed under this subsection to married
21 persons, except married persons living apart who are treated as single under section

1 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~
2 spouses report their income on separate income tax returns for the taxable year.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109.

3 **SECTION 44.** 71.09 (13) (a) 2. of the statutes is amended to read:

4 71.09 (13) (a) 2. The tax shown on the return for the preceding year. If a
5 ~~husband and wife~~ spouses who filed separate returns for the preceding taxable year
6 file a joint return, the tax shown on the return for the preceding year is the sum of
7 the taxes shown on the separate returns of the ~~husband and wife~~ spouses. If a
8 ~~husband and wife~~ spouses who filed a joint return for the preceding taxable year file
9 separate returns, the tax shown on the return for the preceding year is ~~the husband's~~
10 ~~or wife's~~ one spouse's proportion of that tax based on what their respective tax
11 liabilities for that year would have been had they filed separately.

History: 1987 a. 312, 411; 1989 a. 31; 1993 a. 16, 204; 1997 a. 27.

12 **SECTION 45.** 71.52 (4) of the statutes is amended to read:

13 71.52 (4) "Household" means a claimant and ~~an individual related to the~~
14 ~~claimant as husband or wife~~ the claimant's spouse.

History: 1987 a. 312, 411; 1989 a. 31, 100; 1991 a. 39, 195; 1995 a. 27, 201; 1997 a. 27, 39; 1999 a. 150 s. 672.

15 **SECTION 46.** 71.83 (1) (a) 8. of the statutes is amended to read:

16 71.83 (1) (a) 8. 'Joint return replacing separate returns.' If the amount shown
17 as the tax by ~~the husband and wife~~ married persons on a joint return filed under s.
18 71.03 (2) (g) to (L) exceeds the sum of the amounts shown as the tax upon the separate
19 return of each spouse and if any part of that excess is attributable to negligence or
20 intentional disregard of this chapter, but without intent to defraud, at the time of the
21 filing of that separate return, then 25% of the total amount of that excess shall be
22 added to the tax.

History: 1987 a. 312; 1989 a. 31, 90; 1991 a. 39, 190, 269, 315; 1993 a. 16, 112, 213; 1995 a. 428, 453; 1997 a. 27, 237, 283, 323; 1999 a. 32; 2001 a. 109.

23 **SECTION 47.** 71.83 (1) (b) 5. of the statutes is amended to read:

1 71.83 (1) (b) 5. 'Joint return after separate returns.' If the amount shown as
2 the tax by ~~the husband and wife~~ married persons on a joint return filed under s. 71.03
3 (2) (g) to (L) exceeds the sum of the amounts shown as the tax on the separate return
4 of each spouse and if any part of that excess is attributable to fraud with intent to
5 evade tax at the time of the filing of that separate return, then 50% of the total
6 amount of that excess shall be added to the tax.

7 History: 1987 a. 312; 1989 a. 31, 90; 1991 a. 39, 100, 269, 315; 1993 a. 16, 112, 213; 1995 a. 428, 453; 1997 a. 27, 237, 283, 323; 1999 a. 32; 2001 a. 109.

8 **SECTION 48.** 77.25 (8m) of the statutes is amended to read:

9 77.25 (8m) Between ~~husband and wife~~ spouses.

10 History: 1971 c. 150; 1985 a. 39; 1987 a. 27; 1991 a. 39, 202, 269; 1993 a. 112, 263, 307; 1995 a. 458; 1997 a. 140; 1999 a. 9, 162; 2001 a. 44.

11 **SECTION 49.** 102.49 (1) of the statutes is amended to read:

12 102.49 (1) Where the beneficiary under s. 102.46 or 102.47 (1) is the ~~wife or~~
13 ~~husband~~ spouse of the deceased employee and is wholly dependent for support, an
14 additional death benefit shall be paid from the funds provided by sub. (5) for each
15 child by their marriage who is living at the time of the death of the employee, and
16 who is likewise wholly dependent upon the employee for support. Such payment
17 shall commence at the time that primary death benefit payments are completed, or
18 if advancement of compensation has been paid at the time when payments would
19 normally have been completed. Payments shall continue at the rate of 10% of the
20 surviving parent's weekly indemnity until the child's 18th birthday. If the child is
21 physically or mentally incapacitated, such payments may be continued beyond the
22 18th birthday but the payments may not continue for more than a total of 15 years.

23 History: 1971 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253.

24 **SECTION 50.** 102.51 (1) (a) 1. of the statutes is amended to read:

25 102.51 (1) (a) 1. ~~A wife~~ married individual upon a husband his or her spouse
26 with whom she ~~the~~ married individual is living at the time of ~~his~~ the spouse's death.

1 **SECTION 51.** 102.51 (1) (a) 2. of the statutes is repealed. ✓

2 **History:** 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162. ✓

3 **SECTION 52.** 103.10 (1) (h) of the statutes is amended to read:

4 103.10 (1) (h) “Spouse” means ~~an employee’s legal husband or wife~~ the person
5 to whom an employee is legally married.

6 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74. ✓

7 **SECTION 53.** 111.32 (12) of the statutes is amended to read:

8 111.32 (12) “Marital status” means the status of being married, single,
9 divorced, or separated or widowed being a surviving spouse.

10 **SECTION 54.** 115.76 (12) (a) 2. of the statutes is amended to read: ✓

11 115.76 (12) (a) 2. ~~A husband~~ An individual who has consented to the artificial
12 insemination of his wife or her spouse under s. 891.40.

13 **History:** 1997 a. 164, 237; 1999 a. 116, 161; 2001 a. 59. ✓

14 **SECTION 55.** 146.34 (1) (f) of the statutes is amended to read:

15 146.34 (1) (f) “Parent” means a biological parent, ~~a husband~~ a spouse who has
16 consented to the artificial insemination of his wife or her spouse under s. 891.40 or
17 a parent by adoption. If the minor is a nonmarital child who is not adopted or whose
18 parents do not subsequently intermarry under s. 767.60, “parent” includes a person
19 adjudged in a judicial proceeding under ch. 48 to be the biological father of the minor.

20 “Parent” does not include any person whose parental rights have been terminated. ✓

21 **History:** 1985 a. 50; 1995 a. 77; 1997 a. 188; 1999 a. 32, 162; 2001 a. 38. ✓

22 **SECTION 56.** 157.05 of the statutes is amended to read:

23 **157.05 Autopsy.** Consent for a licensed physician to conduct an autopsy on
the body of a deceased person shall be deemed sufficient when given by whichever
one of the following assumes custody of the body for purposes of burial: Father,
mother, ~~husband, wife~~ spouse, child, guardian, next of kin, or in the absence of any
of the foregoing, a friend, or a person charged by law with the responsibility for

1 burial. If 2 or more such persons assume custody of the body, the consent of one of
2 them shall be deemed sufficient.

3 **History:** 1979 c. 110; 1985 a. 316 s. 14; Stats. 1985 s. 157.05.

3 **SECTION 57.** 157.10 of the statutes is amended to read:

4 **157.10 Alienation and use of cemetery lots.** While any person is buried in
5 a cemetery lot, the cemetery lot shall be inalienable, without the consent of the
6 cemetery authority, and on the death of the owner, ownership of the cemetery lot
7 shall descend to the owner's heirs; but any one or more of such heirs may convey to
8 any other heir his or her interest in the cemetery lot. No human remains may be
9 buried in a cemetery lot except the human remains of one having an interest in the
10 cemetery lot, or a relative, or the ~~husband or wife~~ spouse of such person, or his or her
11 relative, except by the consent of all persons having an interest in the cemetery lot.

12 **History:** 1989 a. 307.

12 **SECTION 58.** 182.004 (6) of the statutes is amended to read:

13 182.004 (6) Stock may be issued and leases made to ~~husband and wife~~ spouses,
14 and to the survivor of them, in which event title shall descend the same as in like
15 conveyances of real property subject to ch. 766. Otherwise, title to the stock and lease
16 shall descend to the persons to whom a homestead of the stockholder would descend
17 except as provided in ch. 766. The interest of a tenant in the lease and stock shall
18 be exempt from execution to the same extent as a homestead in real estate.

19 **History:** 1979 c. 110 s. 60 (13); 1983 a. 186; 1989 a. 303; 1993 a. 27, 246.

19 **SECTION 59.** 186.02 (2) (c) of the statutes is amended to read:

20 186.02 (2) (c) Members of the immediate family of all qualified persons are
21 eligible for membership. In this paragraph, "members of the immediate family"
22 include the ~~wife, husband~~ spouse, parents, stepchildren and children of a member

1 whether living together in the same household or not and any other relatives of the
2 member or spouse of a member living together in the same household as the member.

3 **History:** 1971 c. 193 ss. 42 (1), (3); 1983 a. 369/1983 a. 538 ss. 171, 172; 1985 a. 25 s. 15; 1993 a. 301; 1995 a. 27, 151; 1997 a. 152.

3 **SECTION 60.** 301.12 (2) of the statutes is amended to read:

4 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
5 including but not limited to a person placed under s. 48.366, 938.183, 938.34 (4h) or
6 (4m) or 938.357 (4) or (5) (e), receiving care, maintenance, services and supplies
7 provided by any institution in this state operated or contracted for by the
8 department, in which the state is chargeable with all or part of the person's care,
9 maintenance, services and supplies, and the person's property and estate, including
10 the homestead, and the spouse of the person, and the spouse's property and estate,
11 including the homestead, and, in the case of a minor child, the parents of the person,
12 and their property and estates, including their homestead, and, in the case of a
13 foreign child described in s. 48.839 (1) who became dependent on public funds for his
14 or her primary support before an order granting his or her adoption, the resident of
15 this state appointed guardian of the child by a foreign court who brought the child
16 into this state for the purpose of adoption, and his or her property and estate,
17 including his or her homestead, shall be liable for the cost of the care, maintenance,
18 services and supplies in accordance with the fee schedule established by the
19 department under s. 301.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or
20 an incapacitated person may be lawfully dependent upon the property for ~~their~~
21 support, the court shall release all or such part of the property and estate from the
22 charges that may be necessary to provide for ~~those persons~~ that person. The
23 department shall make every reasonable effort to notify the liable persons as soon

1 as possible after the beginning of the maintenance, but the notice or the receipt of
2 the notice is not a condition of liability.

3 **SECTION 61.** 700.19[✓] (2) of the statutes is amended to read:

4 700.19 (2) ~~HUSBAND-AND-WIFE~~ SPOUSES. If persons named as owners in a
5 document of title, transferees in an instrument of transfer or buyers in a bill of sale
6 are described in the document, instrument or bill of sale as ~~husband and wife~~
7 spouses, or are in fact ~~husband and wife~~ spouses, they are joint tenants, unless the
8 intent to create a tenancy in common is expressed in the document, instrument or
9 bill of sale. This subsection applies to property acquired before January 1, 1986, and,
10 if ch. 766 does not apply when the property is acquired, to property acquired on or
11 after January 1, 1986.

12 **History:** 1971 c. 66; 1983 a. 186; 1991 a. 301. ✓

SECTION 62. 705.01 (4) and (4m) of the statutes are amended to read:

13 705.01 (4) “Joint account” means an account, other than a marital account,
14 payable on request to one or more of 2 or more parties whether or not mention is made
15 of any right of survivorship. “Joint account” also means any account established with
16 the right of survivorship on or after January 1, 1986, by 2 parties who claim to be
17 ~~husband and wife~~ married to each other, which is payable on request to either or both
18 of the parties.

19 **History:** 1973 c. 291; 1979 c. 110 s. 60 (11); 1983 a. 186; 1989 a. 331; 1993 a. 112, 486.

20 (4m) “Marital account” means an account established without the right of
21 survivorship on or after January 1, 1986, by 2 parties who claim to be ~~husband and~~
22 ~~wife~~ married to each other, which is payable on request to either or both of the parties
and which is designated as a marital account. An account established by those

1 parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint
2 account.

3 **History:** 1973 c. 291; 1979 c. 110 s. 60 (11); 1983 a. 186; 1989 a. 331; 1993 a. 112, 486.

3 **SECTION 63.** 706.09 (1) (e) of the statutes is amended to read:

4 706.09 (1) (e) *Marital interests.* Homestead of the spouse of any transferor of
5 an interest in real estate, if the recorded conveyance purporting to transfer the
6 homestead states that the person executing it is single, or unmarried ~~or widowed~~ ,
7 is a surviving spouse, or fails to indicate the marital status of the transferor, and if
8 the conveyance has, in either case, appeared of record for 5 years. This paragraph
9 does not apply to the interest of a married person who is described of record as a
10 holder in joint tenancy or of marital property with that transferor.

11 **SECTION 64.** 765.001 (2) of the statutes is amended to read:

12 765.001 (2) **INTENT.** It is the intent of chs. 765 to 768 to promote the stability
13 and best interests of marriage and the family. It is the intent of the legislature to
14 recognize the valuable contributions of both spouses during the marriage and at
15 termination of the marriage by dissolution or death. Marriage is the institution that
16 is the foundation of the family and of society. Its stability is basic to morality and
17 civilization, and of vital interest to society and the state. The consequences of the
18 marriage contract are more significant to society than those of other contracts, and
19 the public interest must be taken into account always. The seriousness of marriage
20 makes adequate premarital counseling and education for family living highly
21 desirable and courses thereon are urged upon all persons contemplating marriage.
22 The impairment or dissolution of the marriage relation generally results in injury
23 to the public wholly apart from the effect upon the parties immediately concerned.
24 Under the laws of this state, marriage is a legal relationship between 2 equal

1 persons, ~~a husband and wife~~ spouses, who owe to each other mutual responsibility
2 and support. Each spouse has an equal obligation in accordance with his or her
3 ability to contribute money or services or both which are necessary for the adequate
4 support and maintenance of his or her minor children and of the other spouse. No
5 spouse may be presumed primarily liable for support expenses under this subsection. ✓

History: 1979 c. 32 ss. 48, 92 (2); 1979 c. 175 s. 53; Stats. 1979 s. 765.001; 1983 a. 186.

6 **SECTION 65.** 765.01 of the statutes is amended to read:

7 **765.01 A civil contract.** Marriage, so far as its validity at law is concerned,
8 is a civil contract, to which the consent of the parties capable in law of contracting
9 is essential, and which creates the legal status of ~~husband and wife~~ spouses. ✓

History: 1979 c. 32 s. 48; Stats. 1979 s. 765.01. ✓

10 **SECTION 66.** 765.02 (3) of the statutes is created to read:

11 765.02 (3) Persons of the opposite sex and persons of the same sex may contract
12 marriage. ✓

13 **SECTION 67.** 765.03 (1) of the statutes is amended to read:

14 765.03 (1) No marriage shall be contracted while either of the parties has a
15 ~~husband or wife~~ spouse living, nor between persons who are nearer of kin than 2nd
16 cousins except that such a marriage may be contracted ~~between first cousins where~~
17 ~~if the female has attained the age of 55 years or where, if~~ either party, at the time
18 of application for a marriage license, submits an affidavit signed by a physician
19 stating that either party is permanently sterile, or if the persons are of the same sex.
20 Relationship under this section shall be computed by the rule of the civil law, whether
21 the parties to the marriage are of the half or of the whole blood. A marriage may not
22 be contracted if either party has such want of understanding as renders him or her
23 incapable of assenting to marriage.

History: 1971 c. 220; 1977 c. 8, 83, 203; 1979 c. 32 s. 48; Stats. 1979 s. 765.03. ✓

24 **SECTION 68.** 765.16 (intro.) and (3) of the statutes are amended to read: